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U.S. DISTRICT COURT  
DISTRICT OF UTAH

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Attorneys for Defendant  
West Star Aviation, Inc.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

WESLEY WHITE, a minor, by and through  
his parent and natural guardian, MICHELLE  
WHITE, for herself, both as heir of JOEL  
WHITE, and as Personal Representative of  
the Estate of JOEL WHITE, Deceased,  
Plaintiffs,

v.

THE PIPER AIRCRAFT CORPORATION IRREVOCABLE  
TRUST, et al.,

Defendants.

**Civil No. 2:99-CV-0896B  
Judge Dee V. Benson  
Magistrate Judge Alba**

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**DEFENDANT, WEST STAR AVIATION, INC.'S, MOTION FOR ENTRY OF  
SCHEDULING ORDER**

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Defendant West Star Aviation, Inc. ("West Star"), by and through its attorneys, Treece, Alfrey, Musat & Bosworth, P.C., and Snow, Christensen & Martineau, P.C., respectfully submits this Motion For Entry of Scheduling Order, and states as follows:

1. Trial is scheduled to commence in this matter on August 1, 2005.
2. There are various outstanding matters, such as expert witness motions and the like, which should be addressed prior to trial. A scheduling order will assist the parties and the Court with addressing the matters in an orderly and timely fashion.
3. Counsel for defendant, West Star, has continually attempted to work on a scheduling order and reach an agreement with Plaintiffs' counsel to prepare and file a stipulated scheduling order. (See Exhibits 1 – 2).
4. To date, plaintiffs' counsel has yet to respond to defense counsel to reach an agreement on a scheduling order.
5. West Star respectfully proposes the attached scheduling order for the Court's approval. (See Attached Proposed Scheduling Order).

Respectfully submitted this 27 day of May, 2005.

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-and-



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ATTORNEYS FOR DEFENDANT  
WEST STAR AVIATION, INC.

**CERTIFICATE OF SERVICE**

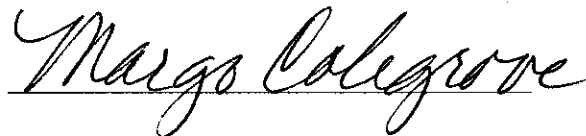
I hereby certify that on May 27, 2005, a true and correct copy of the foregoing **DEFENDANT WEST STAR AVIATION, INC.'S MOTION TO ENTER SCHEDULING ORDER** was placed in the United States mail, postage prepaid, and addressed to the following:

Arthur Alan Wolk, Esq.  
Brian P. Kelly, Esq.  
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1710-12 Locust Street  
Philadelphia, Pennsylvania 19103

Kevin Murphy, Esq.  
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Robert S. Young, Esq.  
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68 South Main Street  
Salt Lake City, Utah 84101



**Cory Tipton**

**From:** Mark A. Pottinger  
**Sent:** Friday, May 27, 2005 10:51 AM  
**To:** Cory Tipton  
**Subject:** FW: proposed stipulated pretrial order

**From:** Alan Mattioni [mailto:AMattioni@airlaw.com]  
**Sent:** Thursday, March 24, 2005 2:05 PM  
**To:** Mark A. Pottinger  
**Subject:** RE: proposed stipulated pretrial order

Dear Mark:

I would like to run these dates by Arthur before agreeing to same. Unfortunately, he is out of the office today. Since you will be attending the hearing next week, perhaps we can submit a Stipulation to the Court at that time. Unless I'm missing something, I do not see any real urgency in filing the stipulation this week.

Regards,

Alan Mattioni

**From:** Mark A. Pottinger [mailto:mpottinger@tamblaw.com]  
**Sent:** Wednesday, March 23, 2005 1:30 PM  
**To:** Alan Mattioni  
**Cc:** Kevin W. Murphy  
**Subject:** proposed stipulated pretrial order

Alan --

We propose the attached scheduling order be submitted to the Court for approval. Kevin has approved of these dates. Let us know your thoughts. We'd like to file this today if possible, tomorrow at the latest.

In addition, in a separate pleading we will request the Court take up some of the other unresolved matters, namely the Piper discovery situation.

Thanks.



5/27/2005

**Cory Tipton**

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**From:** Mark A. Pottinger  
**Sent:** Monday, May 23, 2005 10:48 AM  
**To:** Cory Tipton  
**Subject:** FW: pretrial and expert depositions

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**From:** Mark A. Pottinger  
**Sent:** Wednesday, May 18, 2005 4:48 PM  
**To:** Alan Mattioni  
**Subject:** pretrial and expert depositions

Alan -

We had previously proposed the attached scheduling order. You put us off at the most recent hearing, and since then we have heard nothing. Because of the passage of time, and Plaintiffs' continued failure to produce experts for depositions, the June 15 Daubert date will need to be modified. Otherwise, the dates should work. We request your input on this proposal. If we do not hear from you, we will have no choice but to unilaterally file a modified version of this order and ask that it be entered.

On the issue of the remaining expert depositions, we make one last demand that you provide dates. We (and Honeywell) have requested dates numerous times over the last year, with nothing being proposed by Plaintiffs. If we do not hear from you by the end of the week, we will assume you have chosen to forego using the remaining experts and will move to have them excluded at trial. We have been very patient on this issue, but time is running out. Please produce them, or withdraw them.

Regards,

M

5/23/2005

